



# ***COMMITTEE of the WHOLE***

## ***CITY COUNCIL***

**MINUTES**  
**February 9, 2009**  
**5:00 P.M.**

### **COUNCIL MEMBERS PRESENT:**

V. Spencer, S. Fuhs, D. Sterner, J. Waltman, S. Marmarou, M. Goodman-Hinnershitz

### **OTHERS IN ATTENDANCE:**

L. Kelleher, S. Katzenmoyer, C. Younger, R. Hottenstein, T. McMahon

Mr. Spencer, President of Council, called the Committee of the Whole meeting to order at 4:40 p.m.

### **I. Executive Session**

Council entered into executive session at 4:44 pm to discuss litigation. Council exited executive session at 6:35 pm.

### **II. Blue Ribbon Panel**

Mr. Fuhs left the meeting at this time.

Chris Kanezo and Mr. Jones joined the meeting at this time.

Mr. Spencer noted Council's need to name their representatives to the Panel.

Mr. Waltman questioned if the Panel would be reporting to the Administration, Council, or the Finance Committee. Mr. Spencer stated that the Panel would bring their recommendations for all to review.

Mr. Waltman requested that the Finance Committee provide the Panel with background information and direction.

Mr. Spencer noted that the Mayor's representatives are ready to begin the work. He stated that Council not naming their representatives is wasting time.

Ms. Goodman-Hinnershitz stated her belief that the Panel also needs to understand the Charter form of government and the role of Council.

### **III. Agenda Review**

Council was asked to add an award of contract to the Consent Agenda for the analysis of the stormwater utility.

Mr. Waltman questioned what other cities charge for this utility. Mr. Jones noted no city in Pennsylvania currently charges for this utility but that many do nationwide.

Mr. Waltman questioned if the impact to business has been reviewed. He stated his belief that he would rather spend this money on a study of the City's information technology needs. He requested that this be voted on separately and not as part of the Consent Agenda.

Mr. Spencer questioned when the City acquired the Bushong Mill dam. Mr. Jones stated that the City acquired the dam during the condemnation of an adjoining property and did not realize it owned the dam until contacted by PA DEP. He stated that the dam needs to be removed.

Mr. Spencer stated his belief that the City was notified that it would need to be repaired or removed. Mayor McMahon reminded all of the PA DEP's dislike of dams.

Mr. Spencer stated his belief that there is little chance of this dam collapsing. He noted the major impact that will be felt upstream from the dam after its removal. He questioned why the City would remove the dam if it is unnecessary. He did note the liability issues of people falling off the dam. Mr. Jones stated that there are some very dangerous spots along the dam where the mill race remains. He stated that people regularly walk out onto the dam for fishing. He noted that this resolution allows engineers to be hired to analyze the effects upstream.

Mr. Spencer questioned the purpose of the resolution. Mr. Jones stated that it allows the Berks County Conservancy to apply for a grant for an engineer to create a demolition plan.

Ms. Goodman-Hinnershitz stated that it is important to study the effects upstream to know the impact of the removal. She questioned if Council will need to take further action to authorize the removal of the dam after the plan has been created. Mr. Jones noted that this permission to remove the dam would be needed.

Mr. Spencer questioned the agility agreement with PennDOT. Mr. Jones stated that this needs to be done every five years. The agreement states that the City does the plowing of State roads and highways inside City limits and in return can request additional PennDOT services such as signage and equipment use.

Mr. Spencer informed Council of the Mayor's response to questions about the Gun Safety Coordinator concerning benefits and unemployment. He stated that the City will not be paying benefits and will not be liable for unemployment compensation. Mayor McMahon stated that this will be pass through position.

Council will table the Ordinance raising the salary of the Police Chief.

The meeting adjourned at 7:07 pm.

Respectfully Submitted

By: \_\_\_\_\_  
Linda A. Kelleher, City Clerk